



John J. Eastland Attorney at Law, P.C.

Call Now!
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**DWI / DUI Defense Lawyer / Attorney for Tyler and East
Texas**

The law is actually in your favor, especially for a DWI or DUI case. An arrest does not make you guilty of a DWI or DUI, but the prosecution wants you to believe a plea 'bargain' on a DWI or DUI is your only hope.

Tyler Texas DWI / DUI Experience You Can Count on, Dedication You Can Trust

- ❖ Serving all Texas Counties for DWI / DUI defense including Tyler, Texas.
- ❖ Practicing DWI / DUI defense in Tyler and all Texas counties and cities
- ❖ 28 years DWI / DUI criminal defense trial experience in Texas
- ❖ Proven record of achieving good results for DWI / DUI cases throughout Texas

If you've been arrested for DWI / DUI drunk driving

- ❖ It is extremely important to immediately talk to an experienced Tyler, Texas DWI / DUI attorney / attorney before you make a decision you may regret.
- ❖ A 'plea bargain' (probation) means the prosecution gets to say you are guilty of a DWI.
- ❖ Guilty on a DWI case will stay with you forever, which may affect current or future job opportunities.
- ❖ Don't give up your future without a fight. Contact me today. Tyler, Texas DWI Lawyer / Attorney



Government's Burden of Proof

There are several stair-steps of evidence :

- ❖ For an officer to pull your car over for a stop, he must have a 'Reasonable Suspicion' that something is wrong. A tail-light out. No turn signal. Expired inspection sticker. No seat belt. Weaving on the road. The list goes on and on. 'Reasonable Suspicion' is just the first step.
- ❖ An officer, to make a lawful arrest must take it to the next level of 'Probable Cause'. Probable cause is just that...that there is a *probable cause* that an offense has just taken place.
- ❖ The next level jumps over to the civil side of our laws. It is a 'Preponderance of the Evidence'. In other words, the evidence is more than 50% in favor of one side or another.
- ❖ I really harp on this next level of proof...'Clear and Convincing'. That is the burden of proof the State must have in order for the Government, or Child Protective Service, to take *your children* from you, without your consent, from your home. I emphasize that Clear and Convincing is just that...CLEAR...and...CONVINCING!
- ❖ The next level...where I am concerned...is *Beyond a Reasonable Doubt!* That is the level of proof the Government must prove in order to convince a jury of 6 or 12 people to *unanimously* find that they have proven their case.



So, you can see that the Government, or State, really has a tough burden to prove a person guilty as charged!

DWI / DUI Defense Principles

Texas law provides that '*a person is innocent until proven guilty*'. It is the Government's task to try and bring credible evidence to overcome that burden. Many lawyers don't really understand that enormous task. Many lawyers are intimidated by the trial process and don't want to put in the necessary effort to make the Government abide by that burden.

There are three major principles the Government must overcome:

- ❖ The presumption of innocence, which I have already described, and describe more fully in the following section, 'Presumption of Innocence'.
- ❖ The requirement of proof beyond a reasonable doubt. The State must bring credible evidence to prove the case beyond a reasonable doubt. In every DWI case, there is *always* some doubt that is reasonable as to the guilt or innocence of the Defendant. It is always the lawyer's job to bring out that doubt. I take that very seriously. Study the section, 'Government's Burden of Proof'.
- ❖ Then, there must be a unanimous decision by the jury. In a misdemeanor DWI case (the first, or second DWI) there is a 6 person jury. In a felony DWI, there is a 12 person jury. In order to have a guilt conviction, *all* persons on the jury must agree to the guilt of the Defendant. That, in itself, is a huge task! The Government, or State, must convince *all* persons on the jury that they have proven all elements of the case *beyond* a reasonable doubt. Can the State convince all 6 or 12 persons of their 'proof'? It's more difficult that most lawyers actually realize! See: 'Benefit of Trial'.

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